

# Alcohol & Other Drugs Policy

## Purpose

The City of Sydney (City) is committed to providing and maintaining a workplace environment that is supportive and protects the health, safety and welfare of all workers and others in the workplace. The purpose of this policy is to eliminate the risks to health, safety, and welfare from the inappropriate use of alcohol and other drugs in the workplace.

## Scope

This Policy and the associated Alcohol and Other Drugs Procedure applies to all workers as defined by the Work Health and Safety Act 2011 (NSW) including all City employees, contractors, and volunteers in the workplace.

## Definitions

Term	Meaning
Worker	<p>Has the same meaning as “Worker” under Section 7 of the Work Health and Safety Act 2011 (NSW), being:</p> <ul style="list-style-type: none"><li>a) an employee, or</li><li>b) a contractor or subcontractor, or</li><li>c) an employee of a contractor or subcontractor, or</li><li>d) an employee of a labour hire company who has been assigned to work in the person’s business or undertaking, or</li><li>e) an outworker, or</li><li>f) an apprentice or trainee, or</li><li>g) a student gaining work experience, or</li><li>h) a volunteer, or</li><li>i) a person of a prescribed class.</li></ul>
Workplace	<p>Has the same meaning as “Workplace” under section 8 of the Work Health and Safety Act 2011 (NSW), being:</p> <p>A place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Place includes:</p> <ul style="list-style-type: none"><li>a) a vehicle, vessel, aircraft or other mobile structure, and</li><li>b) any waters and any installation on land, on the bed of any waters or floating on any waters.</li></ul>

## Policy Statement

The key principles underlying this Policy are as follows:

- Safety is everyone's responsibility. That responsibility includes immediately reporting any behaviour or circumstances that could potentially create a risk to health and safety due to alcohol and/or other drugs.
- The sale and use of alcohol and illegal drugs at work is not permitted.
- The possession of illegal drugs at work is not permitted.
- Attending work whilst adversely affected from alcohol and/or other drugs of abuse is not permitted.
- A worker taking a prescription drug must immediately notify their manager if the drug could impact or impair their safe work performance (including driving activities).
- A worker can report to the City if they have a problem with alcohol and or other drugs and seek assistance before any breach or incident. The City will provide support for City workers who seek help in addressing alcohol or other drug related issues.
- The City will create a supportive workplace culture that encourages workers to accept individual responsibility for workplace health and safety and to acknowledge that identifying and reporting workers who may be regarded as a risk to other workers is appropriate.
- The City will conduct drug and alcohol testing at work. Workers are expected to cooperate with testing.
- A breach of this policy may make a worker liable to disciplinary action that could include termination of employment.
- The City will treat all matters with the appropriate confidentiality.

## Testing Limits

Any worker that tests above the following limits will be in breach of this policy:

	Limits
Alcohol	Breath Alcohol Concentration (BrAC) equal to 0.00 grams per 210L of breath.
Drugs	<p>The presence of a specific drug or metabolic above the target concentration as specified in AS/NZS4760 and AS/NZS4308.</p> <p>The City's random testing program tests for the following classes of drugs:</p> <ul style="list-style-type: none"><li>- Opiates</li><li>- Amphetamine type stimulants</li><li>- Cocaine</li><li>- Tetrahydrocannabinol (THC)</li><li>- Oxycodone</li></ul>

If a worker is required to attend other (host) worksites whereby BrAC limit and drug testing may be more stringent, the more stringent policy will apply as a condition of entry. A positive test result will be a breach of City policy.

## Exceptions

There are limited exceptions to this Policy (such as responsible and limited alcohol consumption at functions) but approval of the City is required, and it is expected that workers will behave professionally and comply with the law.

## Responsibilities

### The City of Sydney

The City has a duty of care to ensure the health and safety of workers and other persons at the workplace (Section 19 Work Health and Safety Act 2011 (NSW)).

### Managers and Supervisors

If a manager or supervisor is concerned that a worker appears to be potentially affected by alcohol and/or other drugs, they should not allow the worker to commence or continue their duties. They should arrange for a Fitness for Work Assessment to be undertaken of the worker who is suspected of potentially being affected or impaired.

### Workers

Workers have a duty to:

- take reasonable care for their own health and safety
- not harm the health and safety of other persons as a result of their actions or inaction
- comply with any reasonable instruction given by the City
- co-operate with any reasonable City policy or procedure relating to health and safety (Section 28 *Work Health and Safety Act 2011* (NSW)).

Workers are obliged to present themselves for work free from the influence and without risk of impairment from alcohol and other drugs.

If a worker is concerned that another worker at the workplace may be potentially affected by alcohol, illegal or legal drugs or other substances, they should immediately report their concern to the relevant supervisor or manager.

### Other Persons at the Workplace

Other persons (such as customers or visitors) at the workplace have a duty to:

- take reasonable care for their own health and safety
- not harm the health and safety of other persons as a result of their actions or inaction
- comply with any reasonable instruction given by the City (Section 29 Work Health and Safety Act 2011 (NSW)).

## Offences

It is an offence under Part 5.1 of the *Road Transport Act 2013* (NSW) to drive or attempt to drive a motor vehicle, truck or mobile equipment when under the influence of alcohol and/or other drugs.

Under the Drug Misuse and Trafficking Act 1985 (NSW) and Criminal Code Act 1995 (Cth), it is an offence to possess, sell or manufacture illicit drugs.

Workers may potentially face sanctions under the Work Health and Safety Act 2011 (NSW) or

under criminal law.

## **Implementation**

### **Confidentiality**

The City will endeavour to ensure that the highest level of confidentiality is maintained in the application of the Alcohol and Other Drugs Policy and associated Procedure.

### **Information, Training and Instruction**

The City will provide information, training and instruction to its workers upon commencement with the City as part of induction training, and via bi-annual refresher training in the City's Alcohol and Other Drugs Policy and associated Procedure.

The City will also provide practical guidelines and training to managers and supervisors for dealing with persons who may be affected by alcohol and/or other drugs at work.

It is the responsibility of workers to regularly review this policy to ensure they understand and comply with its requirements and should seek clarification from their manager if they do not understand their obligations under this policy.

### **Alcohol and Other Drugs in the Workplace**

The sale and use of alcohol and illicit drugs and/or the possession of illicit drugs at work is prohibited. This prohibition applies to the City's buildings, parks, reserves, vehicles, plant, or any City building or physical asset.

With prior approval, City social activities such as celebrations, presentations, staff barbeques, farewells and Christmas functions etc. may allow alcohol provided they are undertaken in a managed environment that does not impact on, or affect the standard of the City's work performance, or the public perception of the City's workers. Return to work activities will not be permitted for any worker that has consumed alcohol.

City workers in uniform or otherwise identifiable as City workers, are required to act responsibly when in public places outside work hours.

The consumption of alcohol during meal breaks is not permitted.

### **Prescription Drugs and Over-the-Counter Medications**

It is the worker's responsibility to advise their supervisor if they are taking any prescribed drug or over-the-counter medication which may affect their fitness for duty or work performance.

The worker should ensure they consult their treating doctor or pharmacist on the effects that any prescribed drugs or medication may have on their ability to safely undertake their normal duties at work.

## Alcohol and Other Drugs Testing Program

City workers are required to participate in the alcohol and other drugs testing program described in the associated Alcohol and Other Drugs Procedure.

The Alcohol and Other Drugs Procedure includes testing under the following conditions:

**Post Incident** - following a reportable workplace health and safety incident as defined in the Alcohol and Other Drugs Procedure.

**Reasonable concern** – where there is reasonable concern that a worker may be adversely affected or impaired by alcohol and/or other drugs.

**Random** – where the workforce is tested on a random basis from time to time.

**Limited Random** – testing of a City employee in the case where the employee:

- has previously given a confirmed positive test result for alcohol and/or other drugs; and/or
- has unreasonably refused a test for alcohol and/or other drugs as a result of a reportable incident, reasonable concern or a random screening program; and/or
- has self-declared issues with alcohol and/or other drugs misuse / abuse and is agreeable to a monitoring program as part of their reasonable adjustment (rehabilitation) plan.

## Non-Compliance

A breach of this policy may also result in the following actions:

- Being stood down from the workplace; and/or
- Requirement to comply with a Return To Work Plan and ongoing limited random testing; and/or
- Disciplinary action that could include termination of employment.

Workers may also be subject to consequences under the Work Health and Safety Act 2011 (NSW), namely exposure to conviction and penalties and exposure under criminal and traffic law.

## Rehabilitation

Where possible, the City will provide appropriate support in conjunction with prescribed treatments. Examples of appropriate support may include granting extended leave or workplace flexibility to attend appointments.

However, where a worker has previously been under a rehabilitation plan and subsequently breaches this Policy and the associated Procedure, rehabilitation may not be available and supported by the City and the City reserves the right to take other appropriate action.

## Employee Assistance Program

If a City employee has issues of concern including those related to alcohol and/or other drugs, the City encourages the employee to make use of the Employee Assistance Program (EAP) and seek appropriate support and assistance. These confidential services are free to City employees and their immediate family.

Information about the effects of alcohol and other drugs and the EAP is available from the Workforce Services, Union Representatives and through the City's intranet.

## Consultation

The City has developed this Policy and the associated Procedure in consultation with all stakeholders, including the Local Government unions (USU, DEPA, LGEA), the Joint Consultative Committee and the Health and Safety Committee.

## References

### Laws and Standards

- Work Health & Safety Act 2011 (NSW)
- Work Health & Safety Regulation 2017 (NSW)
- Road Transport Act 2013 (NSW)
- Drug Misuse and Trafficking Act 1985 (NSW)
- Criminal Code Act 1995 (Cth)
- Australian Standard AS3547:2019 – Breath alcohol testing devices
- Australian Standard AS/NZS4308:2023 – Procedures for specimen collection and the detection and quantification of drugs in urine
- Australian Standard AS/NZS4760:2019 - Procedures for specimen collection and the detection and quantitation of drugs in oral fluid

### Policies and Procedures

- Alcohol and Other Drugs Procedure
- Code of Conduct
- Grievance and Conflict Resolution Policy
- SMS Operational Procedure – Incident Management

## Review period

This policy will be reviewed every 3 years.

## Approval Status

The Chief Executive Officer approved this policy on 22/12/2023.



**Monica Barone, Chief Executive Officer**

## Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	16/06/2004	Approved by the Executive	2009/111324
Reviewed	5/04/2006	Fit for purpose. Administrative changes. Endorsed by the Executive	2009/111368
Reviewed	13/04/2007	Fit for purpose. Administrative changes. Endorsed by the Executive	2007/080017
Reviewed	7/06/2012	Fit for purpose. Administrative changes. Endorsed by the Executive	2010/144353
Reviewed	30/06/2015	Introduced drug and alcohol testing to occur post-accident or incident. Clarified that social events where alcohol is consumed must be outside working hours. Endorsed by Executive	2014/205661
Reviewed	22/08/2018	Introduction of self-testing for alcohol provisions, and random alcohol and other drugs testing program. Endorsed by the Executive	2018/128295
Reviewed	2/12/2020	Fit for purpose. Administrative changes with consideration to revised Australian Standards and drugs testing thresholds. Added to new template and administrative changes for clarity.	2018/128295
Reviewed	22/12/2023	Fit for administrative change only – Full reference to AS4308 in definitions added to Laws and Standards section.	2023/453357
Commence Review Date	22/03/2026		
Approval Due Date	22/12/2026		

## Ownership and approval

Responsibility	Role
Author	WHS Manager
Owner	WHS Manager
Endorser	City of Sydney Executive
Approver	Chief Executive Officer